

**Myakka River Management Coordinating Council
SWFWMD Sarasota Service Office
6750 Fruitville Road
Sarasota, FL 34240
July 27, 2018
9:30 A. M. – 12:35 P.M.**

MINUTES

The meeting began at 9:30 A. M. with Jono Miller presiding. This meeting was advertised in the Herald Tribune on Friday, July 13, 2018.

MEMBERS IN ATTENDANCE

Jono Miller – Sierra Club
Howard Berna - SCNR
Dennis Ragosta - SWFWMD
Bob Clark – Venice Area Audubon
Jim Beever – SWFRPC
Rebecca Armstrong – FDEP/FPS
Barbara Hines - Manasota 88
Allison Conner - CHNEP
Paul Thomas - FWC

Kathryn Harring – City of Venice
Becky Ayech - ECOSWF
Greg Blanchard – Manatee County
David Jayroe – City of North Port
Eric Strickland- FFS
Bill Byle- Charlotte County
Corky Pezzati - SCLWV
Gerald Boyce - Sarasota

INTERESTED PARTIES

Chris Oliver – FDEP/FPS
Chris Becker – FDEP/FPS
Allain Hale – ECOSWF
Chuck Johnston – 2J Farms LLC
Sara Lewis – public
Joan San Lwin - public

Nadine Hallenbeck – FDEP/FPS
Valinda Subic - FDEP/FPS
Michelle Keirse - FDEP/FPS
Diana Donaghy -Sarasota County
Debbie McDowell - North Port

- **Call to Order and Roll Call was made.**
- **Public Comments:** Sarah Lewis, a homeowner on Myakka Road, voiced her displeasure for the replacement bridge over the Myakka River. With the old bridge, there was a view of the river on either side. With the new bridge, the view on one side is completely blocked off with a concrete wall. Instead of the county using an aluminum railing on the top of the wall, they just added more concrete to the top instead. (Photographs of old and new bridge were shown, as well as, example photos with aluminum rails that were presented during pre-construction public meetings.)
- **Approval of the Meeting Minutes from March 30, 2018 Council Meeting.**
Becky Ayech moved adoption of the Minutes. Bob Clark seconded. The Minutes were adopted.

OLD BUSINESS:

Becky asked about a letter that was supposed to be sent to Sarasota County regarding the Unified Development Code (UDC).

Chris Oliver advised that it was sent.

NEW BUSINESS:**Updates:****Howard Berna-Sarasota County:**

Howard updated the Council on the status of the UDC. There are 18 articles that were taken in three chunks to the planning commission in the past three weeks. On August 30th, there will be a planning commission meeting and the comments from the consultants will be reviewed. The consultants will add and revise those comments and take them to the Board of County Commissioners. The letter Becky was referring to was received and the consultants are taking the recommendations from the Council into consideration.

Becky asked if it would help if Jono went to the August 30th meeting and reiterated the Council's position.

Howard thought it would help.

Jono asked about the UDC regarding the Myakka River.

Howard replied that he has made sure there have been no changes to regulatory requirements but some clarifying language has been added.

There is a planting plan in place and that work has started at Senator Bob Johnson's Landing.

The grand opening of the Snook Haven addition has taken place (6-15-2018).

Greg Blanchard-Manatee County:

The Manatee County Board approved three operating permits to the Wingate Creek Mine in the Upper Myakka Watershed. There is a 120-day period for challenges, then the funds for the restoration project will be available to the implementing agency but Manatee County still must approve the plans for use of the funds.

Becky asked if Manatee County would want to become part of the Myakka Wild and Scenic designation.

Greg replied that there are so many private land owners that it does not seem likely and he does not think that public opinion has changed that much from the last time they tried.

Bill Byle-Charlotte County

South Gulf Cove is a new development going in on the West side of the Myakka River. Bill noted that this area is served by a large canal system that may increase impacts to the lower river especially with expected sea level rise. He has also seen a lot more coyotes and black spiny iguanas. The county does have a contract to try and eliminate the iguanas on county land but there is a lot more area that would need to be covered to have a noticeable impact.

Discussion continued on historic and present programs to control invasive species.

David Jayroe-City of North Port:

David is a new Environmental Technician for the City of North Port. They are starting a canal watch for residents to pick up trash and advise the City of anything they may see in the canals.

There was a summer camp for kids which discusses pollution, water conservation, and how to be good stewards of the environment.

Jono asked if he will be the new representative for North Port.

David replied that he is not sure but he would like to attend and if Elizabeth Wong is not busy, she would probably attend as well.

Jono asked David to thank Elizabeth for all her years of service on the Council.

Kathryn Harring-City of Venice Update:

The City of Venice has volunteers marking storm drains as a reminder to the public that the drains lead to the gulf as well as other sources.

Allison Conner-Charlotte Harbor National Estuary Program (CHNEP):

The CHNEP yearly report to the Environmental Protection Agency (EPA) of their Land Acquisition and Restoration projects is due soon. They are looking for program partners to send in progress reports for projects completed from October 1, 2017 to September 30, 2018. There is a Technical Advisory Committee meeting on August 23rd at Rotary Park in Cape Coral. They will be workshopping the fish and wildlife habitat restoration portion of the Comprehensive Conservation Management Plan (CCMP).

Chris Becker asked when the reports for EPA are due.

Allison replied the deadline to submit is July 31, 2018 to CHNEP.

Jono mentioned that the DEP and a state university are about to hold a Public Land Acquisition and Management (PLAM) conference. It will be October 2nd and 3rd in Sarasota, if anyone is interested. That is all the information he has now but he will inform the Council when he knows more.

Paul Thomas-FWC

FWC has nothing new to report.

Dennis Ragosta-SWFWMD (WMD)

Dennis is the new government affairs manager for the south region and will serve as the SWFWMD representative on the Council. The drilling continues on the 24-inch recharge well at Flatford Swamp. The depth will be 1500 feet when it is done. A recent sampling of surface water, including primary and secondary, came back clean and the water quality is good.

As of May, the nitrate level in Warm Salt Springs is down to 0.02 mg.

On August 9th, there is a cooperative funding initiative workshop in the Tampa service office from 10 am to 11 am.

Allain brought up a WMD presentation (from 7/10/18) where it was noted that the WMD had recently purchased land along the Myakka River. Allain inquired which property was this?

Jono added that it may be the conservation easement on Triangle Ranch.

Becky wanted to know what was the completion date of the Flatford Swamp well, what was the sample depth, and specific test results in the well.

Bob asked for an update on Orange Hammock Ranch.

Dennis stated that he would look in these questions and update the Council.

Eric Strickland-Florida Forest Service (FFS):

The FFS has done some invasive treatment, including 17 acres of pepper, 14 acres of cogon, and has started on para grass and soda apples. Clint Wardlow is conducting a timber inventory, encompassing 10% of the forest. This is done every year. The day use in June was over 1,000 users and primitive camping was 154 for June. There was also a Boy Scouts project done in the forest.

Jono asked about success of treating cogon grass.

Eric replied that it is too early to tell.

Discussed continued on controlling coyotes and other invasive species.

Bob Clark-Venice Area Audubon Society (VAAS)

The VAAS covers Nokomis, Venice, North Port and Englewood. They have had 55 bird hikes and are involved in conservation efforts, including one of two areas designated as Important Bird Areas (IBA), Oscar Scherer is one, Myakka River the other. VAAS does a Christmas Bird Count yearly which covers the lower part of Myakka River. In April and May, VAAS surveyed the Myakka Rookery (CWA) by boat. On one of the surveys they observed kayakers going right up to the island even though there are signs saying that is not permitted. Bob continued to voice concerns about new usage of the river without increases in the law enforcement to protect the resources. He does not believe that there is enough staffing on the river noting Chris only monitors once a month. He emphasized that VAAS is focused on these concerns since it is an

IBA: first, who else is involved in monitoring and what areas? It is “wild and scenic” because of things like giant air plants, if they are being taken that is an impact; second, is just addressing staffing concerns, he fears we just do not have the staffing to get it done; and third, there needs to be better posting of rules and regulations and education work to reach the public.

Jono asked Howard if there was any signage at Snook Haven to educate the public.

Howard replied signage was going to be installed, but was not sure what kind.

Chris advised that there is one regulatory sign regarding slow speed and a manatee awareness sign. The 2014 permit required an educational kiosk to be installed. Shawn Yeager advised Chris that it is being worked on.

Jono spoke about levels of law enforcement and noted various agencies attended and updated the Council in the past.

Discussion continued on the levels of law enforcement, signage needs, and how to protect the river without creating sign pollution to get the public to comply with the rules and regulations.

Allain Hale - ECOSWF

Allain report that the Council was mentioned in the North Port Sun newspaper for the rejection of the pilot rowing program and read an excerpt of the article.

Becky and Sara Lewis met with Mike Elfers, who is the Sarasota County Transportation and Stormwater Construction Manager, regarding the visibility issue of the C.R. 780 Bridge crossing the Myakka River. He said he would review the options, safety issues and current codes and get back to them. That was in February but they have not heard back yet.

Becky gave an update on the Amendment 1 case (the Land and Legacy case). The judge ruled that the petitioners were correct that the money was to purchase and manage new land. Not for things that were already in existence. The state filed a notice of a motion of appeal. They have 70 days to file all their paperwork for the appeal and then the plaintiffs have 20 days to respond.

Rebecca Armstrong-Myakka River State Park

The Myakka Wildlife Airboat tours on the Upper Myakka Lake (UML) will no longer be running. A new contractor will have tours from a pontoon boat on the Upper Lake.

The Park is treating paragrass and West Indian marsh grass in UML and on the floodplain marsh. They are also working with FWC, who will be doing treatments on Big Flats Marsh and UML.

Bill asked about native snails.

Rebecca replied that, in her time at the park, she has never seen any native snails.

Becky asked if they stopped doing the airboat tours because of the difficulty getting the airboat in and out with sediment build up.

Rebecca did not think so.

Chris Oliver-Myakka Wild & Scenic River (MWSR):

The Florida Park Service (FPS) District IV continues to seek funding to conduct a feasibility study related to the restoration of the Upper Myakka Lake (UML) Bypass/Weir Area, as directed in the adopted MWSR Management Plan, under Action 2.4. In October 2017, an application was submitted to request funding through the SWFWMD Cooperative Funding Initiative (CFI) to conduct modeling to identify the best solution to this long-standing issue. The FPS, SWFWMD and FWC AHRE continue to explore options for the Bypass/Weir Area; as well as, Down's Dam for potential improvement projects. Chris intends to apply for CFI in October 2018 for the dam.

The non-tidal Myakka is back up to near flood stage in the normal high-water pattern. Starting in mid-May, when the rains arrived, manatees entered the park, went above Down's Down and have been sighted approximately 10 times so far, this year, making it the 7th consecutive year of observation in the park.

Installation of the buffer signage at the Myakka CWA/Rookery occurred in February 2018. He estimates that compliance is around 50 percent. Ideally, FWC law enforcement will be doing regular patrols during the closure period of January 1st to August 31st.

During a recent river survey, a fossil diver was seen without a dive flag. This was immediately followed by an encounter with two women in kayaks poaching giant air plants. There has been discussion of the new signage for the CWA. There is potential for new signage at Marina Park offering BMPs for limiting impacts and signs in County Parks and other access points. It appears there is a need to advise the public that all plants and animals are protected in both county parks and on the MWSR.

An annual report of the river can be found on the Council's website.

Discussion continued of what modelling and considerations would be included in the hydrologic studies.

Break 11:17 a.m. - 11:25 a.m.

Motions:

Bob Clark moved that the Myakka River Management Coordinating Council correspond with all enforcement entities with jurisdiction within the Myakka River Management Area, updating these entities on increased use of the river, increased user violations and the critical need for increased patrolling and enforcement of violations. The correspondence should thank entities for their current enforcement activities and also request that entities outline these enforcement activities to the Council. Becky Ayech seconded. Greg Blanchard abstained. Motion passed.

Bob Clark moved that the Myakka River Management Coordinating Council encourage all entities with major public access points on the Myakka River to increase awareness of the "Wild and Scenic" designation of the river and key protection guidelines through signage, educational kiosks, and other educational communications. Becky Ayech seconded. Greg Blanchard abstained. Motion passed.

Becky Ayech moved that the Myakka River Management Coordinating Council contact Mike Elfers, Sarasota County Transportation & Stormwater Construction Manager, and ask him to update the council on the options available to address the concerns of aesthetics and view from the Myakka River 780 Bridge. Bob Clark seconded. Greg Blanchard and Howard Berna abstained. Motion passed.

Draft Myakka River State Park (MRSP) Unit Management Plan (UMP) Review:

Jono gave a presentation on the status on the MRSP UMP. He noted that it has been several years and there has been great progress in improving the plan. He explained that a paradox is caused by the designated portion of the MWSR being inside the MRSP. The original development of the park placed most of the recreational destinations and infrastructure in close proximity to the river and in the annual floodplain. With the passage of the Wild and Scenic Legislation, it created a countervailing state mandate to minimize intrusions adjacent to the river. So, there is this conflict to start. He then reminded the Council of the four main concerns they had with the management plan based on the language of the plan at the last meeting.

The first suggestion that the Council had, was to include all applicable governing language from the Act, Management Plan and Rule. The newest plan makes many references to the Act, Rule and Management Plan, but does not include a summary of the implications of these three documents on how the park is managed. To fix this issue, he suggests adding one page summarizing how the Statute, Rule and Management Plan affect management of the park.

The second suggestion from the Council was to include an analysis of the visual impacts on a recreational river user, minimize new impacts, and approaches to remove or ameliorate some existing visual intrusions; such as, the dumpster and visual impacts at the Upper Myakka Lake Day Use Area. The newest plan has been significantly improved in this area, but there is still no avoidance language. Jono suggests adding “avoid or” to all references to minimizing impacts on river values.

The third suggestion was to accurately map the Protection Zone, Floodplain, River Area and Myakka River Protection Zone (MRPZ) within the park. The mapping has been greatly improved, but there are still some issues with the changes the plan calls for at the Upper Myakka Lake Day Use Area. With the current plan language, it appears that roadbuilding would be one possible solution to improve visitor circulation. Jono quoted from the statute, “No person or entity shall conduct any activity within the river area which will or may have an adverse impact on any resource value in the river area without first having received a permit from the department. A permit may be granted only after a finding by the department that the activity for which a permit has been requested will not have an adverse impact on resource values in the river area.” There are also plans for additional large picnic pavilions which would require tree removal and an observation area at the weir. These changes seem to be in direct conflict with the MRPZ designation. It is possible to add a picnic pavilion in the park but it does not have to be in the river area. Jono recommends holding off on increased recreational opportunities in the Upper Myakka Lake Day Use Area until completion of the recreational carrying capacity study.

Jono also noted that the MWSR Management Plan and MWSR Act, direct the Department to conduct periodic studies on; what public uses could be permitted, regulation of public access,

restriction on motorized boats were needed, and to provide for protection, rehabilitation, and enhancement of natural resources. He listed additional prohibitions, noting that there is a prohibition for structures in the river for a non-water dependent activity.

The fourth suggestion was to add a Recreational Carrying Capacity Study. The need for a study has been acknowledged by both the MRSP Land Management Review team in October 2014 and by Florida Statute Chapter 258.501, but no money has been allocated for the study. Hopefully, with both agreeing that a study needs to be done, that will get things moving in the right direction. Jono suggests finding short term funding for the recreational carrying capacity study and completing the study before proposing increased uses in river area.

There is also language in the newest plan to add pedestrian boardwalks and fishing platforms at the Myakka River Bridge. He noted that the park bridge boardwalk may not improve safety. He gave an example, that if you put it on the southside, people would still cross the road and walk the north side of the bridge to see alligators on that side. If you put it on both, people would be crossing back and forth. Drivers usually slow down when they see people on the bridge, but may not slow if they are on the boardwalk which may actually increase hazards since people still are likely to be crossing the road in this location. He also noted there is already a lack of parking in the area, adding boardwalks here may increase demand for parking.

Jono suggested that before increasing traffic and recreational use adjacent to the river, a recreational carrying capacity study should be completed. This study will help determine whether recreational opportunities should be increased, maintained, or decreased in order to improve safety, reduce congestion and better protect the Wild and Scenic River resource values.

Some discussion occurred on potential funding for a capacity study.

Jono noted again that the plan is much improved that these fore-mentioned changes would address most of the Council's concerns. And asked if Park staff had any additional comments to add to the presentation.

Valinda stated that the UMP cannot identify specific funding but it could potentially be inserted into the goals and objectives that we seek immediate funding for this task.

Jono responded it may not be the plan but the Council could write a letter stating the plan says do a study, statute says do a study, the land management review says do a study but this has never resulted in a study. When the FDEP sends its budget request can they include this to the Legislators?

Motion

Becky Ayech moved that the language in the recommendations from the Myakka River Management Coordinating Council (from page 40 of Jono Miller's Power Point presentation) read, "Find immediate funding for the recreational carrying capacity study and completing the study before proposing increased uses in river areas", instead of "Find short term funding for the recreational carrying capacity study...". The entire Power Point presentation is to be sent, as context only, because the members of the Council have not had the adequate amount of time to review, in depth, the rest of the Power Point. Barbara Hines seconded. Rebecca Armstrong abstained. Motion passed.

Action 6.2 – Restrict additional public motorboat access on the Myakka River until a recreational carrying capacity is established and enforceable.

Jono advised the Council that a new facility has been opened at Snook Haven. This was done because at the old launch site, you had to go through the restaurant area. This means that the capacity to launch boats at the historic area has stopped and it has been relocated to the north, in a more sensible area. This is not supposed to increase the amount of boat launches, but it could have that effect, however, the amount of parking is supposed to be the same. There will also be more (kayak) launching when Senator Bob Johnson's Landing opens as well. This has all been done without a recreational carrying capacity study. Jono reminded the Council that at the last meeting a subcommittee was established to work on this issue.

Chris advised that three individuals had volunteered for the subcommittee, Paul Thomas, Mike Chouinard and Lee Amos. There would need to be a few more volunteers and the time of the meetings would need to be established. Chris researched and found that the Council has had subcommittees in the past and he is seeing what has already been done, what are the documents they looked at, the actions taken, and the actions recommended but not taken. This is a good place for the subcommittee to start.

Jono asked how involved the subcommittee would be in the actual study.

Chris replied that there is already language in the MWSR plan, section 7, that identifies components in such a study. Some area that the subcommittee should look at includes access points, current recreational levels, the potential ecological and social capacity impacts and if it is still agreed upon that there are four unique segments of the river. The sub-committee and Council may want to review and comment on any scope of work.

Jono discussed some of the physical constraints, highlighting water levels. When the level is below 2 feet, paddling is not possible and above about 9 feet it can be dangerous. Depending on the year, there may be several months where certain recreational activities are not possible or should not be recommended. Jono briefly discussed the social capacity factor before noting that the ecological capacity is also important for any study. He gave the example of flushing alligators and turtles, that they need to be able to sun themselves and recreation can impact them.

Any study should contain "physical capacity, ecological capacity, facility capacity, and social capacity" as outline the MWSR Plan.

Jono read from the text, "Social capacity involves the issue of visitation level in an area before the recreational experience is significantly degraded." So, the study might involve user surveys for different sections.

Becky brought up the "cut-through" traffic in MRSP and how it affects the enjoyment of the river. She noted that the north gate in the past was only open on weekend. A few years ago, a keypad was installed and usage has increased. More and more people are cutting through.

Jono also mentioned that there is no clear expectation for what users on and off the river are able to see, and not see, while in MRSP. This information is not written down anywhere. The UMP is not a day to day operations manual for the park. It is planning document.

Jono stated that during the April 3rd (UMP) stakeholder meetings, we were promised Master Plan Workshop meetings.

Valinda advised that the Office of Park Planning is holding some workshops to look at the more detailed layouts and how some of these issues can be solved. This will happen after the MRSP UMP is approved.

Future Agenda Items:

Jim Beever will give an update on climate change and the rates of sea level rise at the Winter meeting.

Inviting law enforcement to a Council meeting to discuss river violations and patrolling.

Staffing support/issues

Becky Ayech motioned to adjourn the meeting. Howard Berna seconded.

The Meeting was adjourned at 12:35 p.m.